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ON PAGE A-19NEW YORK TIMES  
2 MAY 1983

## ESSAY

## Reagan, Fluttering

By William Safire

WASHINGTON — Lie detectors do not detect lies or determine truth; they merely indicate when you are relaxed or tense about giving an answer. A smooth or psychopathic liar can beat the machine; a truth-teller, intimidated or nervous about being hooked up to the machine, can often be branded a liar.

When a member of President Reagan's National Security Council was given a test, he was asked, "Have you ever been blackmailed?" The polygraph's needle fluttered widely, which could be interpreted as "here comes a whopper" — and the official said no. Afterward, he explained why the question threw him: he had remembered all the times he had said "This is blackmail!" without literally having been the target of the crime of extortion.

A similar reaction was described in a memo, obtained by George Wilson of The Washington Post, from the Assistant Secretary of Defense for Health, John Beary 3d, a physician, to his boss, Caspar Weinberger: "No machine can detect a lie. The machine can only detect stress; however, the stress may result from several emotional causes other than guilt, such as fear, surprise or anger." Although recognizing the Government's desire to plug leaks, Defense's doctor added: "The polygraph misclassifies innocent people as liars. In one study, 49 percent of truthful subjects were scored as deceptive. In another study, 55 percent of the innocent were misclassified..."

For that reason, Federal courts and many state courts do not admit lie-detector results as evidence. A polygraph is not a drunkometer: judges know that innocents can flunk and liars can pass. I have sources who have been whistle-blowing about scandalous defense weaknesses for years; they are regularly "fluttered" and just as regularly get away with declaring that they do not know me from Adam.

Yet most Americans believe that technology cannot be defeated. A syndicated television show, "Lie Detector," hooks up its guests to a polygraph as F. Lee Bailey demeans the profession of defense counsel by ask-

ing the questions. The machine is not as accurate as the "laughmeter" on radio's old "Can You Top This?" but most viewers accept the polygraph's judgments as proof of a human being's veracity.

Comes now Attorney General William French Smith and his mentor in plumbing, genial Ed Meese, with a directive issued in the name of the President of the United States that enshrines as official policy this often inaccurate and always antilibertarian investigative practice.

Because intelligence operatives deal in a world of deception and double-digity, C.I.A. employees have long accepted "fluttering" as a condition of employment. Now the gray standards of that world are to be applied throughout the U.S. Government: in an obscene euphemism, an unsigned Justice "fact sheet" describes this plunge into Big Brotherism as "a greater degree of consistency in Government-wide policy."

On the same basis, Mr. Reagan could call for making the Defense budget as secret as the C.I.A. budget, or apply the C.I.A.'s loose overseas wiretap standards to the F.B.I. at home. Consistent, but wrong.

In many states, a private employer who insisted that workers be subject to polygraph tests would be breaking the law; 22 employees of a Connecticut firm just won \$219,000 in damages from a lie-detecting employer. But the Presidential directive tells Federal workers: "Adverse consequences will follow an employee's refusal to cooperate with the polygraph examination."

Anonymous Justice Department spokesmen pretend that this does not mean that a Federal worker who takes a stand against this humiliation on constitutional principle will be fired. For appearance' sake, additional evidence — furtive glances, perhaps, or a pattern of association with lone journalists — may be required.

But one top Cabinet member has let it be known that if anyone impuned his integrity with a lie detector demand, he would promptly resign.

That's the honorable course, as is getting fired and bringing a lawsuit. Talk about slippery slopes — first the spies; now on the "consistency" excuse, everyone in Government; next, Congressmen and journalists, and finally everyone will be required to prove himself innocent on the machine, lest a refusal lead to the presumption of guilt.

March 11, the day of President Reagan's directive to submit to the polygraph or be fired, is a day that will live in constitutional infamy. Until this rape of principle is rescinded, conservatives will bear the shame brought on us by the "pragmatic" Attorney General and his anything-goes lust to track down the source of public disclosure of wrongdoing.

A foolish consistency has once again shown itself to be the hobgoblin of a little mind.